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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,973	09/12/2000	Mark Clayton	TC00047	6026
22863	7590	06/02/2004	EXAMINER	
			OPIE, GEORGE L	
			ART UNIT	PAPER NUMBER
			2126	5
DATE MAILED: 06/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

PP6

Office Action Summary	Application No.	Applicant(s)
	09/659,973	Clayton et al.
	Examiner George L. Opie	Art Unit 2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) Responsive to communication(s) filed on 16 March 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - a) All b) Some * c) None of the CERTIFIED copies of the priority documents have been:
 1. received.
 2. received in Application No. (Series Code / Serial Number) _____.
 3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- | | |
|--|--|
| 14) <input type="checkbox"/> Notice of References Cited (PTO-892) | 17) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 15) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 18) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 16) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 19) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This Office Action is responsive to Applicant's request for reconsideration, filed 19 March 2004.

1. Reference to Copending Application

It is noted that this Application references a related copending Application. Applicant should update the copending Application information.

2. Descriptive Title Required

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. MPEP606.01

3. The U.S. Patents used in the art rejections below have been provided as text documents which correspond to the U.S. Patents. The relevant portions of the text documents are cited according to page and line numbers in the art rejections below. For the convenience of Applicant, the cited sections are highlighted in the *text documents*. Consistent with Office procedure, the U.S. Patents corresponding to the *text documents* are also included with this action.

4. Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 5-12 and 16-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshida et al. (U.S. Patent 6,130,757).

As to claim 1, Yoshida teaches an information appliance system (client-server system, p3 5-9) comprising:

an information appliance device having a user interface device (client apparatus ... the guidance menu, abstract) wherein the user interface device comprises a plurality of user interface device resources (information on the functions that can be provided by each of the plurality of server apparatuses, p3 14-23)

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an entity (server, abstract) wherein the entity is disposed to utilize the plurality of user interface device resources (realize the functions provided, p3 5-9)

a focus manager (CPU 103 functions as a job managing unit, p9 52 – p10 16) and an asynchronous request (inputs an instruction for requesting a job, p13 4-12) having a corresponding asynchronous entity (functions provided by the server, p3 5-9) wherein the asynchronous request is received by the focus manager (CPU 103, on receiving a job request, 23-29p16) wherein the asynchronous request is stored and assigned a priority level (job management unit ... assigning priorities to the jobs each time a job is requested, p3 37-44) wherein based on the priority level the asynchronous entity takes control of the plurality of user interface device resources from the entity (CPU 103 executes jobs according to the priorities, p9 52 – p10 16) wherein the asynchronous entity utilizes the plurality of user interface device resources (executes necessary processes according to the job types, p10 35-49) and wherein the asynchronous entity returns control of the plurality of user interface device resources to the entity (CPU 103 ... deletes the jobs from the server management as the jobs complete, p16 40-45).

Although Yoshida does not specifically recite the use of a queue for holding the requests, Yoshida suggests such a data structure for storing the requests as the job managing unit employs a “table” mechanism that facilitates the searching “for a job having the highest priority”, p11 15-19 in the information appliance system. It would have been obvious for one skilled in the art to stipulate use of a queue in Yoshida’s request storing and searching scheme.

As to claim 5 Yoshida teaches the application returns control to the server upon acknowledgement, p10 35-49.

As to claims 6-7 Yoshida teaches that a first job type is “executed immediately”, p3 44-52 while a second type of job request is “waiting”, p11 1-4 its turn in the system for processing.

As to claim 8, Yoshida (p3 5-9) teaches the functions provided by the server are realized, or made use of by the job execution.

As to claims 9-11, Yoshida’s (pp2-3) server functions read-on the recited asynchronous entity comprises an application, service or subsystem .

As to claims 12 and 16-19, note the rejections of claims 1-8 above. Claims 12-19 are the same as claims 1-8, except claims 12-19 are method claims and claims 1-8 are apparatus claims.

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6. Claims 2-4 and 13-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshida et al. (U.S. Patent 6,130,757) in view of Jones et al. (U.S. Patent 6,003,061).

As to claims 2-4, Yoshida teaches the information appliance system with priority management mechanisms, however, Yoshida does not disclose the importance with urgency elements for time-dependent processing.

Jones teaches using "a unified urgency indicator to schedule the execution" of requested operations, p3 47 – p4 12. Also, Jones (p27 1-9) shows the versatility of the client-server mechanisms for distributing/managing attributes of the processing; in other words, each computer is "capable of serving as either the client or server" for purposes of storing, retrieving and providing the requisite functionality.

It would have been obvious to combine the managing of importance and urgency constraints taught by Jones with Yoshida because many "multimedia applications demand time-specific scheduling for acceptable performance" p3 47-p4 12 which would enhance the job managing in Yoshida's information appliance system so that it would properly execute the specified services.

As to claims 13-15, note the rejections of claims 2-4 above. Claims 13-15 are the same as claims 2-4 except claims 13-15 are method claims and claims 2-4 are apparatus claims.

7. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure. Each reference disclosed below is relevant to one or more of the Applicant's claimed invention.

U.S. Patent No. 6,665,701 to Combs et al. which teaches the resource allocation priority system to ensure quality of service;

U.S. Patent No. 6,438,630 to DeMoney et al. which teaches the importance factor with urgency or processing deadline; and,

U.S. Patent No. 6,304,906 to Bhatti et al. which teaches the request queue for managing job/resource priorities.

8. Response to Applicant's Arguments:

Applicant argues (claim 1) that the Yoshida teachings do not make obvious the claimed information system with an asynchronous entity that takes control of device resources. Contrary to Applicant's contentions, the Yoshida teachings do render obvious the information appliance with its entities as broadly claimed. The rejection of claim 1 contains a detailed mapping of each element in the

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claim with its equivalent component taught in the prior art disclosed by Yoshida. Specifically, the "client apparatus" linked to server functions as taught by Yoshida does read-on the recited information appliance device with asynchronous entities that utilize resources. Yoshida shows how server functions take control of devices to execute jobs (p3 5-9) in the same way as the asynchronous entities utilize the resources to fulfill the asynchronous requests. The scope of the claimed "asynchronous entity" clearly transcends the more narrow scope that Applicant attempts to impute through argument. Claimed subject matter, not the specification is the measure of the invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art, *In re Self*, 213 USPQ 1,5 (CCPA 1982); *In re Priest*, 199 USPQ 11, 15 (CCPA 1978). The claimed resource using entities are clearly subject to a broad interpretation, as detailed in the rejections maintained above. The Examiner has a *duty and responsibility* to the public and to Applicant to interpret the claims as *broadly as reasonably possible* during prosecution (see *In re Prater*, 56 CCPA 1381, 415F.2d 1393, 162 USPQ 541 (1969)).

In considering the asynchronous entity and its resource management recitations, it is noted that Applicant uses terminology that has broad meaning in the art, and thus requires a broad interpretation of the claims in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant should set forth claims in language that clearly, distinctly, unambiguously and uniquely define the invention. The fact that Applicant has not narrowed the definition/scope of the current claims implies that Applicant intends an extensive coverage breadth of the claims, which is met by Yoshida's prior art teachings. Consequently, the information appliance system for servicing requests via asynchronous entity functions, in the manner recited in the pending claims does not constitute a non obvious improvement over the prior art.

Applicant's arguments, filed 19 March 2004, have been fully considered but are not deemed to be persuasive. For the reasons detailed above, the rejections are maintained under **35 U.S.C. § 103, as established** in the previous Office Action and set forth *supra*.

9. THIS ACTION IS MADE FINAL.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE

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ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. \square 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

10. Request for copy of Applicant's response on floppy disk:

Please help expedite the prosecution of this application by including, along with your amendment response in paper form, an electronic file copy in WordPerfect, Microsoft Word, or in ASCII text format on a 3½ inch IBM format floppy disk.

Please include all pending claims along with your responsive remarks. Only the paper copy will be entered – your floppy disk file will be considered a duplicate copy. Signatures are not required on the disk copy. The floppy disk copy is not mandatory; however, it will help expedite the processing of your application.

Your cooperation is appreciated.

11. Contact Information:

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private-PAIR or Public-PAIR.

Status information for unpublished applications is available through Private-PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

- All responses sent by U.S. Mail should be mailed to:
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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- Hand-delivered responses should be brought to Crystal Park Two, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses directly to the Examiner.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

All OFFICIAL faxes will be handled and entered by the docketing personnel. The date of entry will correspond to the actual FAX reception date unless that date is a Saturday, Sunday, or a Federal Holiday within the District of Columbia, in which case the official date of receipt will be the next business day. The application file will be promptly forwarded to the Examiner unless the application file must be sent to another area of the Office, e.g., Finance Division for fee charging, etc.

- Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at **(703) 305-9600**.
- Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Opie at (703) 308-9120 or via e-mail at George.Opie@uspto.gov. Internet e-mail should not be used where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the Applicant. Sensitive data includes confidential information related to patent applications.



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